

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

KWOK et al.

Atty. Ref.: 4398-303

Serial No. Continuation of U.S. Serial No. 10/264,326

Group: 3761

Filed: November 4, 2003

Examiner: Unknown

For: FOREHEAD SUPPORT FOR FACIAL MASK

* * * * *

November 4, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

The undersigned attorney brings to the attention of the Patent and Trademark Office below-listed U.S. Application(s). The identification of the U.S. Patent Application(s) is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application(s) during examination.

Examiner's Initials

- _____ U.S. Appln. No. 10/230,169 filed August 29, 2002;
_____ U.S. Appln. No. 10/221,574 filed September 13, 2002; and
_____ U.S. Appln. No. 10/221,572 filed September 13, 2002.

It is respectfully requested that the Examiner initial and return a copy of this Information Disclosure Statement, and to indicate in the official file wrapper of this patent application that each above-identified applications has been considered.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



Paul T. Bowen
Reg. No. 38,009

PTB:jck

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In re Patent Application of

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Alexandria, VA 22313-1450

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INFORMATION DISCLOSURE STATEMENT

Listed on accompanying Form PTO-1449 is information that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. At least one of the boxes below applies to the present application:

1) This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.

a) Contingent Request to Treat Under 37 C.F.R. § 1.97(c)

In the event a first Office Action has been mailed prior to filing of the present Information Disclosure Statement and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs),

KWOK et al.

Continuation of U.S. Serial No. 10/264,326

November 4, 2003

the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(c) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

b) Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(1)

In the event a first Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(1) in that the undersigned hereby states that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

2) This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1). In the event a Notice of Allowance or a Final Rejection has been mailed prior to filing this Information Disclosure Statement, the Office is

authorized to treat this as a submission under 37 C.F.R. 1.97(d) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

- b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- c. Attached is our check in the amount of \$____ in payment of the fee under 37 C.F.R. § 1.17(p).
- 3) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered. Attached is our check in the amount of \$____ in payment of the fee under 37 C.F.R. § 1.17(i).
- a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign

patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

4) Relevance of the non-English language document(s) is discussed in the present specification.

5) The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report or official action is attached for the Examiner's information. See MPEP § 609.

6) A concise explanation of the relevance of the non-English language document(s) appears below:

7) Copies of the documents were cited by or submitted to the Office in Application No. 10/264,326, filed October 4, 2002, or 09/502,745, filed February 11, 2000, which are relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

8) The publication date of at least one of the listed documents does not provide a month of publication. However, the year of publication of each listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Each publication date is listed on the attached PTO-1449 based on information presently available to the undersigned. However, each listed publication date should not be construed as an admission that the information was actually published on the date indicated.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

KWOK et al.
Continuation of U.S. Serial No. 10/264,326
November 4, 2003

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 14-1140 referencing docket number 4398-303.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Paul T. Bowen
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FORM PTO-1449 (modified)
 To: U.S. Department of Commerce
 (PW FORM PAT-1449)
 Patent and Trademark Office

Atty. Dkt. No.	M# 4398-303	Client Ref.

**INFORMATION DISCLOSURE STATEMENT
BY APPLICANT**

Applicant: Kwok et al.

Appln. No.: New Continuation of USSN 10/264,326

Filing Date: November 4, 2003

Date: November 4, 2003 Page 1 of 12

Examiner: G. Dawson Group Art Unit: 3761

U.S. PATENT DOCUMENTS

Examiner's Initials*	Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
1R	5,220,699	06/1993	FARRIS			
2R	4,919,128	04/1990	KOPALA et al.			
3R	6,119,693	09/2000	KWOK et al.			
4R	D443,355	06/2001	GUNARATNAM et al.			
5R	6,463,931	10/2002	KWOK et al.			
6R	6,520,182	02/2003	GUNARATNAM			
2R						
8R						
3R						
10R						
11R						
12R						
13R						
14R						
15R						
16R						
17R						

FOREIGN PATENT DOCUMENTS

	Document Number	Date MM/YYYY	Country	Inventor Name	English Abstract		Translation Readily Available	
					Enclosed	No	Enclos	No
18R	WO 98/24499	06/1998	PCT	KWOK				
19R	WO 00/57942	10/2000	PCT	Gunaratnam				
20R	2 186 801	08/1987	Great Britain					
21R	11-000397	01/1999	Japan					

OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

22R	Product Brochure for "Sullivan Mirage" Face Mask, ©1997, ResMed, 4 pages
23R	Product Brochure for "Sullivan Mirage" Face Mask, ©1998, ResMed, 4, pages
24R	Color Photo of "Weinmann Mask" 1998, 1 page
25R	"The ResMed Range of Mask Systems" product brochure, November 1995, 4 pages.
26R	"Somnotron CPAP-Gerat WM 2300" instruction manual, Weinmann Hamburg (1991), 11 pages.
27R	9 photographs of Weinmann mask, WM 23122, 1991.

Examiner

Date Considered:

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28R	1,926,027	09/1933	BIGGS			
29R	2,123,353	07/1938	CATT			
30R	2,248,477	07/1941	LOMBARD			
31R	2,254,854	09/1941	O'CONNELL			
32R	2,371,965	03/1945	LEHMBERG			
33R	2,438,058	03/1948	KINCHELOE			
34R	2,931,356	04/1960	SCHWARZ			
35R	Des. 188,084	05/1960	GARELICK			
36R	2,939,458	06/1960	LUNDQUIST			
37R	3,189,027	06/1965	BARTLETT			
38R	3,238,943	03/1966	HOLLEY			
39R	3,315,674	04/1967	BLOOM et al.			
40R	3,330,273	07/1967	BENNETT			
41R	3,362,420	01/1968	BLACKBURN et al.			
42R	3,363,833	01/1968	LAERDAL			
43R	3,556,122	01/1971	LAERDAL			
44R	3,700,000	10/1972	HESSE, Deceased et al.			
45R	3,796,216	03/1974	SCHWARZ			
46R	Des. 231,803	06/1974	HUDDY			
47R	4,077,404	03/1978	ELAM			
48R	Des. 250,131	10/1978	LEWIS et al.			
49R	4,167,185	09/1979	LEWIS			
50R	4,226,234	10/1980	GUNDERSON			

FOREIGN PATENT DOCUMENTS

Document Number	Date MM/YYYY	Country	Inventor Name	English Abstract		Translation Readily Available	
				Enclosed	No	Enclose	No
51R							

OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

52R	Mask 1 Photographs, Respiromics Inc., Reusable Full Mask (small) Part #452033 Lot #951108.
53R	Mask 2 Photographs, Puritan - Bennett, Adam Circuit, Shell Part #231700, Swivel Part #616329-00, Pillows (medium) Part #616324.
54R	Mask 3 Photographs, DeVilbiss Healthcare Inc., Devilbiss Seal-Ring and CPAP Mask Kit (medium), Part #73510-669.
55R	Mask 4 Photographs, Respiromics Inc., Monarch Mini Mask with Pressure Port. Part #572004, Monarch Headgear, Part #572011.

Examiner

Date Considered:

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM RTO-1449 (modified)
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Examiner: G.K. Dawson Group Art Unit: 3761

U.S. PATENT DOCUMENTS

Examiner's Initials*	Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
56R	4,245,632	01/1981	HOUSTON			
57R	4,304,229	12/1981	CURTIN			
58R	Des. 262,322	12/1981	MIZERAK			
59R	4,328,797	05/1982	ROLLINS et al.			
60R	4,347,205	08/1982	STEWART			
61R	4,354,488	10/1982	BARTOS			
62R	4,402,316	09/06/83	GADBERRY			
63R	4,412,537	11/01/83	TIGER			
64R	4,522,639	06/11/85	ANSITE, et al.			
65R	4,622,964	11/18/86	FLYNN			
66R	4,655,213	04/07/87	RAPOPORT et al.			
67R	4,665,570	05/19/87	DAVIS			
68R	4,671,271	06/09/87	BISHOP, et al.			
69R	4,677,977	07/07/87	WILCOX			
70R	Des. 293,613	01/05/88	WINGLER			
71R	4,770,169	09/13/88	SCHMOEGNER et al.			
72R	4,774,941	10/04/88	COOK			
73R	4,782,832	11/08/88	TRIMBLE et al.			
74R	4,821,713	04/18/89	BAUMAN			
75R	4,841,953	06/27/89	DODRILL			
76R	4,848,334	07/18/89	BELLM			
77R	4,848,366	07/18/89	AITA, et al.			
78R	4,907,584	03/13/90	MCGINNIS			

FOREIGN PATENT DOCUMENTS

Document Number	Date MM/YYYY	Country	Inventor Name	English Abstract		Translation Readily Available	
				Enclosed	No	Enclose	No
79R							

OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

80R	Mask 5 Photographs, Healthdyne Technologies, Nasal CPAP Mask (medium narrow), Part #702510.
81R	Mask 6 Photographs, Healthdyne Technologies, Soft Series Nasal CPAP Mask, Part #702020.
82R	Mask 7 Photographs, DeVilbiss Healthcare Inc., Small Mask and Seal Rings, Part #73510-668.
83R	Mask 8 Photographs, Resironics Inc., Reusable Contour Mask (medium), Part #302180.

Examiner

Date Considered:

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Examiner: G.K. Dawson Group Art Unit: 3761

U.S. PATENT DOCUMENTS

Examiner's Initials*	Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
84R	Des. 310,431	09/04/90	BELLM			
85R	4,971,051	11/20/90	TOFFOLON			
86R	4,989,599	02/05/91	CARTER			
87R	5,005,571	04/09/91	DIETZ			
88R	5,005,568	04/09/91	LOESCHER, et al.			
89R	5,038,776	08/13/91	HARRISON et al.			
90R	5,042,473	08/27/91	LEWIS			
91R	5,042,478	08/27/91	KOPALA, et al.			
92R	5,109,840	05/05/92	DALEIDEN			
93R	5,133,347	07/28/92	HUENNEBECK			
94R	5,140,982	08/25/92	BAUMAN			
95R	Des. 334,633	04/06/93	RUDOLPH			
96R	5,243,971	09/14/93	SULLIVAN et al.			
97R	5,265,595	11/30/93	RUDOLPH			
98R	5,279,289	01/18/94	KIRK			
99R	5,343,878	09/06/94	SCARBERRY et al.			
100R	5,357,951	10/25/94	RATNER			
101R	5,419,318	05/30/95	TAYEBI			
102R	5,429,683	07/04/95	LE MITOUARD			
103R	5,431,158	07/11/95	TIROTTA			
104R	5,438,981	08/08/95	STARR et al.			
105R	5,441,046	08/15/95	STARR et al.			

FOREIGN PATENT DOCUMENTS

	Document Number	Date MM/YYYY	Country	Inventor Name	English Abstract		Translation Readily Available	
					Enclosed	No	Enclose	No
106R								

OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

107R	Mask 9 Photographs, Healthdyne Technologies, Healthdyne Large Headgear.
108R	Mask 10 Photographs, Respiration Inc., Soft Cap (medium), Part #302142.
109R	Mask 11 Photographs, Weinmann: Hamburg, Nasalmaskensystem mit Schalldämpfer (medium), Part #WN 23105.
110R	Mask 12 Photographs, Life Care.

Examiner

Date Considered:

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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U.S. PATENT DOCUMENTS

Examiner's Initials*	Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
111R	Des. 362,061	09/05/95	MCGINNIS et al.			
112R	5,477,852	12/26/95	LANDIS et al.			
113R	5,488,948	02/06/96	DUBRUILLE, et al.			
114R	5,492,116	02/20/96	SCARBERRY et al.			
115R	5,501,214	03/26/96	SABO			
116R	5,517,986	05/21/96	STARR et al.			
117R	5,540,223	07/30/96	STARR et al.			
118R	5,560,354	10/01/96	BERTHON-JONES et al.			
119R	5,570,689	11/05/96	STARR et al.			
120R	Des. 377,089	12/31/96	STARR et al.			
121R	5,592,938	01/14/97	SCARBERRY et al.			
122R	5,647,355	07/15/97	STARR et al.			
123R	5,647,357	07/15/97	BARNETT et al.			
124R	5,655,527	08/12/97	SCARBERRY et al.			
125R	5,657,752	08/19/97	LANDIS et al.			
126R	5,662,101	09/02/97	OGDEN et al.			
127R	5,685,296	11/11/97	ZDROJKOWSKI, et al.			
128R	5,687,715	11/18/97	LANDIS, et al.			
129R	5,715,814	02/10/98	EBERS			

FOREIGN PATENT DOCUMENTS

	Document Number	Date MM/YYYY	Country	Inventor Name	English Abstract		Translation Readily Available	
					Enclosed	No	Enclose	No
130R	WO 80/01044	05/29/80	PCT					
131R	DD 159396	06/04/81	GERMANY					
132R	DE 3345067 A1	06/20/84	GERMANY					
133R	GB 2145335 A	03/27/85	GREAT BRITAIN					
134R	GB 2147506 A	05/15/85	GREAT BRITAIN					
135R	EP 0 252 052 A1	01/07/88	EUROPE					
136R	EP 0 264 772 A1	04/27/88	EUROPE					

OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

137R	Mask 13 Photographs, Healthdyne Technologies.
138R	Mask 14 Photographs, King System.
139R	Mask 15 Photographs, Respiromics Inc., Pediatric Mask.
140R	Mask 16 Photographs, Hans Rudolph Inc., Hans Rudolph Silicone Rubber Face Mask/8900.

Examiner	Date Considered:
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Examiner: G.K. Dawson

Group Art Unit: 3761

U.S. PATENT DOCUMENTS

Examiner's Initials*		Document Number	Date MM/YYYY Y	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
141R		2,317,608	04/1943	HEIDBRINK			
142R		3,013,556	12/1961	GALLEHER			
143R		3,580,051	05/1971	BLEVINS			
144R		4,467,799	08/1984	STEINBERG			
145R		4,616,647	10/1986	McCREADIE			
146R		4,809,692	03/1989	NOWACKI et al.			
147R		4,910,806	03/1990	BAKER et al.			
148R		5,046,200	09/1991	FEDER			
149R		5,069,205	12/1991	URSO			
150R		5,121,745	06/1992	ISRAEL			
151R		5,429,126	07/1995	BRACKEN			
152R		5,542,128	08/1996	LOMAS			
153R		5,570,682	11/1996	JOHNSON			
154R		5,666,946	09/1997	LANGENBACK			
155R		5,746,201	05/1998	KIDD			

FOREIGN PATENT DOCUMENTS

	Document Number	Date MM/YYYY Y	Country	Inventor Name	English Abstract		Translation Readily Available	
					Enclosed	No	Enclose	No
156R	DE 4004157 C1	04/11/91	GERMANY					
157R	EP0427474 A2	05/15/91	EUROPEAN					
158R	AU 91/77110 B	11/21/91	AUSTRALIA					
159R	EP 0 462 701 A1	12/27/91	EUROPE					
160R	WO 92/20395	11/26/92	PCT					
161R	WO 93/01854	02/04/93	PCT					
162R	WO 94/02190	02/03/94	PCT					
163R	AU 94/64816 B	12/22/94	AUSTRALIA					
164R	WO 96/17643	06/13/96	PCT					
165R	EP 0 747 078 A2	12/11/96	EUROPE					
166R	WO 96/39206	12/12/96	PCT					
167R	WO 97/07847	03/06/97	PCT					
168R	JP 09/216240 A	08/19/97	JAPAN					

Examiner

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FOREIGN PATENT DOCUMENTS

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Examiner Date Considered:

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FORM PTO-1449 (modified)
 To: U.S. Department of Commerce
 (PM&S FORM PAT-1449)
 Patent and Trademark Office

Atty. Dkt. No.	M# 4398-303	Client Ref.

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Applicant: KWOK et al

Appln. No.: New Continuation of USSN 10/264,326

Filing Date: November 4, 2003

Examiner: G.K. Dawson Group Art Unit: 3761

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311R								
312R								
313R								
314R								
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